GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – WR Dept., - Allegation of acquisition of assets disproportionate to his known sources of income against Sri Bulla Sudarsana Rao, formerly Executive Engineer, Quality Control Division, Ongole, Prakasam District [Retired] – Found guilty of the charges and convicted by the Orders of the Special Judge for SPE & ACB Cases, Nellore dt.15.07.2015 in CC No.22 of 2006 –Imposition of punishment of withholding pension and gratuity in full permanently against Sri Bulla Sudarsana Rao, Executive Engineer [Retired] – Orders – Issued.

WATER RESOURCES [VIG.I] DEPARTMENT

G.O.MS.No. 238 Dated: 28-12-2015

Read the following:-

1. Letter No.89/RCA-NPK/2003,dt.16.07.2003 received from the Director General, ACB, AP., Hyderabad.
2. G.O.Rt.No.1031, I&CAD[Ser.VI] Dept., dt.25.08.2003.
3. Letter No.89/RCA-NPK/2003,dt.11.11.2003 received from the Director General, ACB, AP., Hyderabad.
4. G.O.Ms.No.17, I&CAD[Ser.VI] Dept., dt.04.02.2004.
5. Letter No.89/RCA-NPK/2003,dt.06.07.2005 received from the Director General, ACB, AP., Hyderabad
6. Govt.Memo.No.13142/Ser.VI(1)/2003-13,dt.7.11.2005.
7. Judgement dt.15.07.2015 in CC No.22 of 2006 of the Spl.Judge for SPE&ACB Cases, Nellore.

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ORDER:-

In the ref.1st read above, the Investigating Agency has brought to the notice of the Government that during the course of investigating in Cr.No.9/RCA-NPK/2003 against Sri Ch. Prasad, Asst. Commissioner of Labour, Ongole, the house of Sri Bulla Sudarsana Rao, Executive Engineer, Quality Control Division, Ongole [father-in-law of daughter of Ch. Prasad] at Tenali was searched on 20.3.2003. The Searches disclosed possession of disproportionate assets to the known sources of income against Sri B. Sudarsana Rao, Executive Engineer, Quality Control Division, Ongole [who is herein after referred to as Accused Officer]. A disproportionate case was registered by Anti-Corruption Bureau authorities in Cr.No.10/RCA-NPK/2003 u/s 13(2) r/w 13(1)(e) of P.C. Act, 1988 against AO on 5.4.2003.

2. In the ref.2nd read above, orders were issued placing under suspension against Sri B. Sudarsana Rao, I/c Superintending Engineer, G.L.I. Circle, Warangal.

3. In the ref.3rd read above, the Director General, Anti-Corruption Bureau, A.P., Hyderabad has requested to authorise the Investigating Officer i.e., District Inspector, ACB, Ongole, Nellore Range under sections 3&4 of Criminal Law Amendment Ordinance of 1944 for filing the application in the court of the Hon'ble Spl. Judge for SPE&ACB Cases, Nellore for attachment of properties worth Rs.27,11,608/- as described in the Annexures – I to V.

[Contd..,]

4. In the ref.4th read above, orders were issued authorising the District Inspector, Anti-Corruption Bureau, Ongole, Prakasam District, Nellore Range for filing an application in the court of Hon'ble Special Judge for Special Police Establishment and Anti-Corruption Bureau Cases, Nellore for attachment of properties worth of Rs.27,11,608/- as described in the Annexures I to V appended to that order under sections 3 and 4 of the Criminal Law (Amendment) Ordinance, 1944.

5. In the ref.5th read above, the Director General, Anti-Corruption Bureau, A.P., Hyderabad has recommended to prosecute the accused officer Sri Bulla Sudarsana Rao, Executive Engineer in competent Court of Law under Prevention of Corruption Act, 1988.

6. In the ref.6th read above, Government have permitted the Director General, Anti-Corruption Bureau, A.P., Hyderabad to prosecute Sri B. Sudarsana Rao, the then Executive Engineer [Retired], Quality Control Division, Ongole, Prakasam District in a competent court of law on the allegations of acquisition of assets disproportionate to his known sources of income under the P.C. Act, 1988.

7. In the ref.7th read above, the Special Judge for SPE & ACB Cases, Nellore, in his judgement dt.15.07.2015 in CC No.22 of 2006 held that "the accused officer Sri Bulla Sudarsana Rao formerly Executive Engineer, Quality Control Division, Ongole, Prakasam District [Retired] is found guilty for the offence punishable under section 13(2) read with 13 (1) (e) of Prevention of Corruption Act, 1988 and he is convicted under section 248 (2) Cr.P.C. The Accused Officer is sentenced to undergo Rigorous Imprisonment for a period of three years and also to pay a fine of Rs.5,00,000/- (Rupees Five Lakhs) and in default of payment of fine, the accused officer shall undergo simple imprisonment for a period of six months for the offence punishable under section13(2) r/w 13(1) (e) of Prevention of Corruption Act, 1988. The remand period of the accused officer, if any, shall be given set off u/s.428 Cr.P.C. As it is brought to the notice of this court that the properties of the accused were already attached before judgement as per the order in Crl.M.P.No.211/2004 which was made absolute subsequently on 13.02.2007 and as it is found that the accused officer acquired assets disproportionate to his known sources of income by committing the offence of misconduct, the assets of the accused shown at serial numbers 1 to 6, 8 to 11, 21 to 24 shown in Annexure-A of the charge sheet, shall be sold in public auction and the sale proceeds shall be remitted to the Government to meet the ends of justice. Similarly, item No.28 of the assets shown in Annexure-A i.e., cash of Rs.9,09,062/- (Nine lakh nine thousand and sixty two only) found in the house of accused officer at Tenali, shall be forfeited to the Government. Similarly, the two gold biscuits shown at serial No.36 of the inventory (Ex.P8) shall be confiscated to the State. If the fine amount is not paid, it should be recovered from the surplus sale proceeds if any. In respect of the other properties, the attachment order, passed in Crl.M.P.No.211 of 2004 dated 13.02.2007, shall be raised".

[Contd.,]

8. After careful examination of the entire matter, it has been decided by the Government to impose the punishment of withholding pension and gratuity in full permanently against the accused officer Sri Bulla Sudarsana Rao, Executive Engineer [Retired], formerly worked at Quality Control Division, Ongole, Prakasam District under Rule 9 of A.P. Revised Pension Rules, 1980, as the said accused officer was found guilty of the offences punishable under Section 13(2) read with Section 13(1) (e) of Prevention of Corruption Act, 1988 and convicted by the orders of Hon'ble Special Judge for SPE & ACB Cases, Nellore, in his judgement dt.15.07.2015 in CC No.22 of 2006.

9. Accordingly, Government hereby order to impose the punishment of withholding of pension and gratuity in full permanently against the accused officer Sri Bulla Sudarsana Rao, Executive Engineer [Retired], formerly worked at Quality Control Division, Ongole, Prakasam District under Rule 9 of A.P. Revised Pension Rules, 1980, as the said accused officer was found guilty of the offences punishable under Section 13(2) read with Section 13(1) (e) of Prevention of Corruption Act, 1988 and convicted by the orders of Hon'ble Special Judge for SPE & ACB Cases, Nellore, in his judgement dt.15.07.2015 in CC No.22 of 2006.

10. The Engineer-in-Chief, Water Resources, A.P., Hyderabad shall take further necessary action in the matter accordingly.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

ADITYA NATH DAS
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Bulla Sudarsana Rao,
Executive Engineer [Retired] formerly worked at Quality Control Division, Ongole, Prakasam District
Through the Engineer-in-Chief, Water Resource [AW] Hyderabad.
The Engineer-in-Chief, Water Resources [AW] AP, Hyderabad.
Copy to:-
The Accountant General, AP, Hyderabad.
The Director General, Anti-Corruption Bureau, AP, Hyderabad.
The Secretary to Vigilance Commission, A.P.V.C. Hyderabad.
Sf/Sc.

// FORWARDED BY ORDER //

SECTION OFFICER